

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 15-235

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
d/b/a EVERSOURCE ENERGY**

**Petition for License to Construct and Maintain Electric Lines
Over and Across the Newfound River in the Town of Bristol**

Order *Nisi* Granting License

ORDER NO. 25,870

March 7, 2016

In this order *nisi*, the Commission grants the request of Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) for a license to construct and maintain electric lines over and across the Newfound River in Bristol, New Hampshire. This order is being issued on a *nisi* basis to ensure that all interested parties receive notice of the Commission's order and have the opportunity to comment or request a hearing prior to the date set forth for comment in the ordering clauses below.

I. SUMMARY OF PETITION

On June 10, 2015, Eversource filed a petition pursuant to RSA 371:17 for a license to construct and maintain electric lines over and across the public waters of the Newfound River in Bristol, New Hampshire. The Newfound River is an outflow of Newfound Lake. According to the petition, the new electric lines are necessary to better serve Eversource customers. Eversource explained that the current single circuit is being split into two smaller circuits to help correct reliability issues that have arisen from using such a large individual circuit. In addition, Eversource plans to install automation to isolate faults and restore power in a more timely manner.

Specifically, Eversource's petition stated that an existing 18W1 circuit is being split into two smaller circuits (20W1 and 20W2). Eversource proposes to construct and maintain a short segment of three-phase 12.5 kV distribution line from its Bristol substation, easterly across the Newfound River, connecting to the newly separated northern branch of the existing 18W1 circuit. This circuit will then be designated as the 20W2 circuit, receiving its energy from the Bristol substation. PSNH will designate the remaining branch of the existing 18W1 circuit as the 20W1 circuit. Combined, the 20W1 and 20W2 circuits will be an integral part of the electric distribution system in the area and the Company will no longer use the old 18W1 circuit designation. The water crossing license requested in the petition is required for the new 20W2 circuit, which will be constructed in a location not previously licensed by the Commission.

Eversource filed supporting attachments and exhibits with the petition. Eversource provided Commission Staff (Staff) with supplemental information during the course of Staff's review. The petition and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, are posted to the Commission's website at <http://puc.nh.gov/Regulatory/Docketbk/2015/15-235.html>.

A. Crossing Location and Construction

The proposed crossing is located approximately 59 feet northwest of the Pleasant Street/Route 104 bridge in Bristol and will span approximately 184 feet between two new wood structures. The structure on the southwest side of the river, No. 20W2/2, will be a medium corner structure constructed with a single class-2, 50-foot tall pole. The structure on the northeast side of the river, No. 1/18X, will be a large corner structure constructed with a single class-2, 50-foot tall pole with a push brace. The conductors will be constructed with

477 aluminum conductor steel-reinforced cable with 18/1 stranding and will be sagged to meet National Electrical Safety Code (NESC) Heavy Load conditions. Eversource provided a location map, a project plan schematic, and construction details of the structures as figures 1 through 5 in an attachment to its petition.

The petition indicated that the Company will do all work associated with the crossing in a manner that conforms to the 2007 National Electrical Safety Code (NESC). In a letter filed on January 26, 2016, Eversource confirmed that the proposed crossing has been designed and will be constructed, maintained and operated by Eversource in accordance with the applicable requirements of the 2012 National Electrical Safety Code. Finally, the petition provided sufficient detail to show how all required clearances from phase wires to the surface of the water will be maintained.

B. Regulatory Requirements

Eversource asserted there are no permits or approvals necessary from either the New Hampshire Department of Environmental Service (NHDES) or the New Hampshire Department of Transportation (NHDOT). The Company needs to procure a pole license from the Town of Bristol.

C. Property Rights

According to its petition, the Company owns in fee the property on the westerly side of the crossing where proposed structure No. 20W2/2 will be situated. Proposed structure 1/18X on the easterly side of the crossing is to be located within the municipal street (Lake Street) right-of-way for the Town of Bristol. The petition stated that the crossing wires will pass aerially over a parcel of private property identified on Bristol Tax Map 113 as Lot 20. During a

January 25th telephone conference, Eversource informed Staff that the Company has acquired a permanent easement right over the referenced private property from the current property owner(s). Eversource filed a letter, with attachments on January 26, providing additional supporting information and easement documents.

D. Public Interest

Eversource submitted that it can exercise the rights granted by the license without substantially affecting the rights of the public in the public waters of the Newfound River. The petition stated that minimum safe line clearances above the river surface and affected shorelines will be maintained at all times. The use and enjoyment by the public of the river will not be diminished in any material respect as a result of the overhead line crossing.

II. SUMMARY OF STAFF REVIEW

Safety Division Staff thoroughly reviewed the Company's petition and supporting documentation; applicable statutes, rules, and NESC requirements; and ownership of the land, as well as public need, safety, and impact. Staff concluded that the impact to the public will be so small as to not be measurable. Staff recommended approval of the Company's petition for a license to construct, operate and maintain electric cables and facilities over and across the public waters of the Newfound River in the Town of Bristol, as proposed in the petition. (*See* Recommendation of Robert Wyatt dated February 5, 2016.)

III. COMMISSION ANALYSIS

Pursuant to RSA 371:17, Licenses for New Poles, utilities must obtain a license from the Commission to "construct a pipeline, cable, or conduit, or a line of poles or towers and wires and fixtures thereon, over, under or across any of the public waters of this state, or over, under or

across any of the land owned by this state,” when such facilities are necessary to meet the reasonable requirements of service to the public. RSA 371:20 authorizes the Commission to grant a license if it “may be exercised without substantially affecting the public rights in said waters or lands.” RSA 371:17 defines public waters to include all ponds of more than 10 acres, tidewater bodies, and such streams or portions thereof that the Commission may prescribe. The NHDES prepares, maintains and publishes an official list of all public waters in the state. Newfound River, which is from the outflow of Newfound Lake, is listed under the category “Public Rivers and Streams” in the Official List of Public Waters, and falls under the jurisdiction of the Comprehensive Shoreland Protection Act (RSA 483-B:4). The list may be accessed through the following link:

<http://des.nh.gov/organization/commissioner/pip/publications/wd/documents/olpw.pdf>.

Based on the information presented in Eversource’s petition and Staff’s recommendation, we find that the proposed crossing is necessary for Eversource to meet the reasonable requirements of reliable service to the public, as required by RSA 371:17. Eversource has confirmed that the crossing is in compliance with the National Electrical Safety Code. We find that the crossing is in the public good. We therefore approve the petition subject to the conditions contained in the ordering clauses set out below related to ensuring safe construction, operation, and maintenance of the crossing. We issue our decision on a *nisi* basis to provide any interested person the opportunity to submit comments on Eversource’s petition, or to request a hearing.

Eversource is responsible for obtaining any and all other permits for the construction and installation of the proposed crossing from any federal, state, and local authorities having

jurisdiction. Our approval is only for the electric lines proposed by Eversource in this docket. Because the NHDES is responsible for maintaining the official list of public waters, we require that notice of the proposed alterations be sent to NHDES. We also require notice to be provided to the Town of Bristol and to the private property owner(s) from whom a right-of-way was sought and obtained.

Based upon the foregoing, it is hereby

ORDERED *NISI*, that subject to the effective date below, Eversource is authorized pursuant to RSA 371:17 to construct, install, operate, and maintain electric lines over and across the public waters described in its petition and depicted in its filings; and it is

FURTHER ORDERED, that this approval is limited to the construction or alteration of electrical lines under consideration in this docket, and it is conditioned on the requirement that Eversource constructs, installs, operates and maintains, and, if applicable, alters the lines consistent with the provisions of the National Electrical Safety Code, in accordance with N.H. Code Admin Rules Puc 306.01, as may be applicable and as amended from time to time, and all other applicable safety standards in existence at that time; and it is

FURTHER ORDERED, that Eversource shall submit any future proposed alteration(s) to the crossing license granted herein at least 60 days prior to any such alteration(s); and it is

FURTHER ORDERED, that Eversource shall provide a copy of this Order *Nisi* to the (i) Town Clerk of Bristol, New Hampshire; (ii) the New Hampshire Attorney General and all owners of the land bordering on said public waters at the location of the crossing, as required by RSA 371:19; and (iii) the New Hampshire Department of Environmental Services, no later than

March 17, 2016, and to be documented by affidavit filed with this office on or before April 4, 2016; and it is


FURTHER ORDERED, that Eversource shall cause a summary of this Order *Nisi* to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to be no later than March 17, 2016, and to be documented by affidavit filed with this office on or before April 4, 2016; and it is

FURTHER ORDERED, that all persons interested in responding to this Order *Nisi* be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than March 24, 2016, for the Commission's consideration; and it is

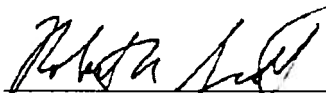
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than March 31, 2016; and it is

FURTHER ORDERED, that this Order *Nisi* shall be effective April 7, 2016, unless the Petitioner fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

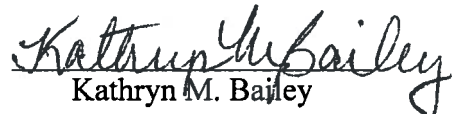
By order of the Public Utilities Commission of New Hampshire this seventh day of
March, 2016.



Martin P. Honigberg
Chairman

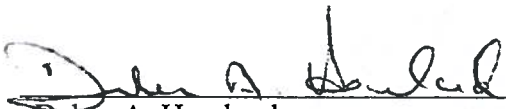


Robert R. Scott
Commissioner



Kathryn M. Bailey
Commissioner

Attested by:



Debra A. Howland
Executive Director